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New York Institute of Technology

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

DANIEL CORDERO, KELLY HYDE :  
and KEVIN HYDE, on behalf of themselves  
and all other similarly situated individuals,

Plaintiffs,

12-CV-3208 (SJF)(GRB)

vs.

NEW YORK INSTITUTE OF  
TECHNOLOGY

**AFFIDAVIT**

Defendant.

STATE OF NEW YORK )  
ss  
COUNTY OF NEW YORK )

SAMANTHA BELTRE, being duly sworn, deposes and says:

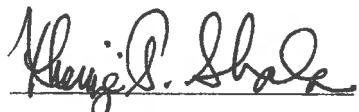
1. I am associated with the law firm Fulbright & Jaworski L.L.P., attorneys for defendant New York Institute of Technology ("NYIT"). I submit this affidavit in connection with NYIT's motion for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing the third and fourth causes of action in the complaint for failure to state a claim upon which relief can be granted.

2. I submit this affidavit for the sole purpose of placing before the Court the following documents:

- a. Letter from the Internal Revenue Code dated February 22, annexed as Exhibit A; and
- b. NYIT's Charters Issued by the New York State Department of Education, annexed as Exhibit B.

  
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SAMANTHA BELTRE

Sworn to before me this  
4th day of September 2012



Notary Public

XHEVRIJE T. SHALA  
Notary Public, State of New York  
No. 01SH4935652  
Qualified in New York County  
Commission Expires Aug. 15, 2014